

TOP SECRET

FM 0301-025

DEPARTMENT OF STATE A/CDC/MS

REVIEWED BY

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STATE DEPARTMENT REQUIREMENTS FOR SECURITY FOR OR(S)  
IN IMMIGRATION TO THE UNITED STATES OF  
GERMAN SCIENTISTS CLASSIFIED X RELEASABLE X

RELEASE DENIED

PA or FOI EXEMPTIONS

### Preface

The problems of the administration of security measures as outlined hereinafter are made without reference to the general policy which has apparently already been adopted in approving the immigration of a select number of top German scientists to this country. The recommendations are also made without reference to the possibility that the admission of these German scientists is in contradiction to the Safe Haven Program, the Repatriation Program, the Potsdam Declaration and regulations of the Allied Control Council.

The purpose in treating with this problem is to set forth the minimum requirements for security prior to the giving of visa facilities and the admission of German scientists to the United States. It is realized that the standards as outlined cannot be specifically applied to approximately 175 German scientists already in this country in every detail. However the same standards should be applied although the mechanics may be somewhat different because of the presence of these individuals already in the United States.

As a basis for the security outline the overall problem of subsequent control of immigrants in the United States as well as four samples of the "Basic Personnel Record" of several German scientists already here have been reviewed. The first problem, namely the control of German scientists after the receipt of an immigration visa and becoming resident in this country is one which can be dealt with very briefly. There is no precedent either in the laws of the United States or by judicial decision permitting the placing of controls on an individual after he has arrived in the United States on a quota immigration visa. Any abridgement of his rights subsequent to that time, such as an attempt to prevent his travel to his native land or to other countries on the basis of public policy or labor contracts would undoubtedly be reviewed by the courts. The ultimate decision that might be rendered cannot be anticipated at this time. As suggested hereinafter, the first line of defense from the standpoint of security probably rests in the use of other means of admittance to the United States than the issuance of quota immigration visas. If no alternative exists under the present circumstances the second line of defense dictates a very careful examination of the prospective immigrant prior to admission to the United States.

It is with this in mind that the following security outline is offered.

Security

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Security Requirements

A review of the basic personnel record which is currently required by MJS in the cases of German scientists proceeding to this country at the request of the military authorities reveals considerable biographical data. It is not clear however whether the information set forth in this record is merely the statement of the scientist himself or whether some attempt has been made to verify his statements. Further it is not clear whether all of the information came directly from the scientist involved or may have been compiled from records available to the military authorities. In any event it is believed desirable that following a full statement of all the steps covered in the basic personnel record an investigation by CIC either in Germany or Austria should be made to determine the truth or falsity of the scientist's statements.

These inquiries made in zones under control of the military authorities should not be limited to a routine check but should be a sincere effort to verify all the scientist's past, education, employment, published writings, awards by the German Government, the Nazi Party or its subsidiaries, military service and political activities. In the event the scientist is determined to have participated in the activities of such organizations as the VDI it is important that the specific nature and ramifications of the organization involved be ascertained to insure that it is not in either the National Socialist or Pan-German category. Coverage of past activities although of vital importance would not give a true picture of the dangerous potentialities of an individual scientist unless in light of these activities some determination is made as to whether he is or would be likely to participate either individually or in group planning for future pooling of scientific information for use by a German Government not now in existence. Briefly, is the individual scientist likely to be a potential source of scientific knowledge which might be used against this country at a later date? In addition to the general considerations outlined above specific coverage of the following items should be mandatory prior to the issuance of visa facilities:

- (1) qualifications of the particular scientist and whether he meets the requirements desired of him by the military or industrial facilities in this country. If this phase is not thoroughly covered the United States is very apt to find itself saddled with a number of "drones" who by no stretch of the imagination qualify as outstanding scientists.
- (2) These scientists undoubtedly in many instances have only their own interests and those of their families at heart. If this program is put into effect a definite attempt should be made to limit the category of

relatives



relatives permitted to accompany the scientists to this country. To follow any other practice would result in fourth and fifth cousins being brought in under the guise of the mental well being of the immigrant.

- (3) An effort should be made to determine the nature of the collaboration between the particular scientist and scientists in other countries than Germany as well as scientific organizations prior to the Second World War. These affiliations in exchange of scientific data in the prewar period were most probably carried on either under the direction or at the least, acquiescence of the Third Reich. If he participated in such activities prior to the past war it is only reasonable to assume that he may again do this very thing, to the detriment of the United States. As pointed out above past activities are important but it is equally important to ascertain whether the individual scientist being considered for immigration either actively or passively, individually or collectively, is a part of a plan to perpetuate German scientific knowledge and development. The investigation conducted by CIC in Germany should pay particular attention to the scientist's relationships with other scientists, scientific organizations or industrial concerns which might give advance knowledge as to such a plan.
- (4) Association either within or without Germany of the scientist with any organization which had as its purpose the furthering of scientific knowledge or exchange for the benefit of the Third Reich prior to the past war should exclude him on that basis alone. It is incumbent upon the military authorities of occupation to ascertain these facts and submit them to JOIA prior to the time the Department of State presents the facts to the appropriate American consulate for the issuance of a visa.
- (5) Employment of the scientist with leading German research, industrial, governmental or military organizations for the furtherance of German scientific objectives should be viewed with suspicion. Many of these concerns were closely associated with industrial enterprises in the United States through cartel agreements and these concerns in the United States will probably be most interested in securing the services of their former colleagues. This may even reach the point where individuals are

deafious

desirous of helping long standing friends in the scientific field. To prevent this a careful review of the employment record of the scientist is necessary. In making inquiries into the employment record and scientific connections of the prospective immigrant a definite effort should be made to determine what rights he is retaining in Germany. Specifically, has the concern for which he was employed insured the scientist that his seniority status and retirement rights will not be abrogated or lessened in any way by his absence from Germany? This would reflect a definite plan for his ultimate return to that country. This retention of rights in Germany might take other forms such as the payment of a pension to dependents remaining there or maintenance of reemployment rights.

- (6) The associates of the scientist should be ascertained by inquiries in Germany and Austria. If he took other than a purely scientific viewpoint concerning his work as is reflected by association in the Nazi Party or its affiliates a definite question should be raised at this time concerning the bona fides of his proposed immigration.
- (7) The reputation of the scientist in his own community is also important. It is unlikely that any of these scientists will be sufficiently straightforward to admit political activities. These are best reflected by inquiries in the community in which he lived.
- (8) Undoubtedly in many instances the scientists who are proposed as possible immigrants will be found to have participated in the Nazi Party (NSDAP) and many of its affiliates. The nature of the participation in these various political groups is essential in the determination of the individual's beliefs. Naturally different weight should be given consideration of the individual who was merely a member as distinguished from the one who served as an officer or otherwise distinguished himself in furthering the Nazi ideology.
- (9) The nature of honorary awards given the scientist may not only reflect his standing in the scientific world but may well reflect the nature of his political activities since it is no secret that the German Government and the Nazi Party gave many awards for political services rendered.

(10)



- (10) Military service should be set forth in detail along with the particular branch of the military in which he served, whether it be the regular German Army, the SS or some quasi-military organization.
- (11) A studious attempt should be made to determine whether there is any possibility that the individual scientist may be charged by any of the Allies as a war criminal or required as a witness to war criminal acts. The presence of an individual of this category in this country would cause consternation not only in the American press but on the part of many of America's Allies during the war.

The above considerations are the basic ones confronting the Department of State prior to the granting of visa facilities. It may well be argued that if all these requirements are met, for scientists of any great importance will be admitted into the United States. That is not the problem which this memorandum is intended to solve. The primary purpose herein is to point to those factors which will be most embarrassing if at a later date the policy of the departments concerned in this program is subjected to press scrutiny. If criticism is to be avoided a serious attempt will have to be made to justify the stand the United States Government has taken in a Safe Haven Program, a Repatriation Program and the Potsdam Declaration.

#### Administrative Controls following immigration

The basic considerations outlined above deal with security inquiries prior to the arrival of the German scientist in this country. His control after arrival in this country in the main will have to be exercised administratively by the respective military organization responsible for his immigration. No full time surveillance will be possible and the FBI which is responsible for the internal security of the United States probably will refuse to take any action unless specific acts indicating violation of the Federal statutes are submitted.

Consequently the Army, Navy and Air Force authorities must take such steps administratively as would tend to minimize the potential danger that may exist to the United States by the presence of this scientist. A few suggestions set out hereinafter, which are not intended to be all-inclusive, can better explain this recommendation.

- (1) German scientists should not be concentrated in one area or one industrial facility. This permits an exchange of information and will undoubtedly result in the formation of a clique, perhaps originally for social purposes but with ulterior motives to be put into effect later.

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- (2) Each German scientist should be surrounded by American scientists as aides in order that the fullest benefit can be secured from their outstanding knowledge in their field. If the German scientists are permitted to bring their own aides to assist them then it possible and quite likely that the United States will not acquire full benefit from this proposed project.
- (3) If possible it would be more desirable to have these scientists assigned to facilities away from areas having large German minorities yet unassimilated. This presents a potentiality of association that might have sinister results in the future.
- (4) Labor contracts and restrictive clauses therein should be drawn carefully in order to insure their support in the courts of this country in the event the scientist attempts to break any of the covenants. This will be a strong deterrent on the scientist since the German mentality generally respects authority in individual contractual agreements. He will also be in the position of not knowing precisely the results of his actions if he breaks these covenants. The problem of sound labor contracts is not being considered as a security measure but as an administrative control which at a later time might be an adjunct to enforcing the best interests of this country.

The above are a few of the administrative problems which if resolved correctly early in this program will probably give excellent results as this project is put into effect.

Mechanics for admission of German scientists to the United States

It is recommended that full investigation covering all of the factors outlined above be made and submitted to JOIA prior to the time that the individual scientist's name is made available to the appropriate American Consulate for consideration for the issuance of a visa. The results of this investigation would be one of the factors considered along with the information secured from the FBI and other appropriate agencies of the Government concerning the scientist and the company to which he is to be assigned in this country prior to approval by a security committee of JOIA.

The mechanics subsequent to the favorable consideration of the scientist by a security committee of JOIA would conform to those considered most appropriate and workable by the Visa Division. To insure the Department of State the protection which it deserves because of

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the use of visa facilities it should have the power of veto after the collection of all the information concerning the particular scientist. To function in any other way would not give it the control which it desires and would nullify the investigation prior to the submission of a particular case to the committee.

It is realized that the details concerning the establishment of a security committee of JOIA have not yet been resolved. It would appear most desirable however to have the State Department representative on this committee act as advisor and not as the authoritative approving officer in individual cases presented to the committee. This would seem necessary since all cases will have to adhere to the visa laws and regulations of the Department and consequently each case coming before the committee will be submitted to subsequent review by the Visa Division. At this stage of the proposed plan no further suggestions on this subject would appear pertinent.

#### Observations

As this problem was originally submitted consideration apparently was being given to the issuance of quota immigration visas to the German scientists selected for immigration to the United States. The security recommendations above have been drawn with that in mind with the full understanding that after arrival in this country these scientists would be subjected to no control other than investigation or surveillance to determine whether they are violating American laws.

If the writer may be so presumptuous it is suggested that a much more desirable program, if a program is necessary, would be to admit German scientists to this country on visitors' visas, the extension of which can be denied at the end of each six months' period. In other words, place these individuals on a probationary status. Otherwise the United States Government has traded all of its trinkets and cannot force compliance with any demand. It appears that these scientists are taking full advantage of their position by insisting that their families accompany them. If their political beliefs are in fact anti-Nazi and in view of the economic situation in Germany, it is reasonable to assume that they would be only too glad to accept a probationary period in the United States with a view to having their families join them at a subsequent time if they gave value received. I am sure that they are not so sentimental that they could not work without the presence of their wives and families for a reasonable period in this country.

A second alternative exists in ignoring the visa requirements completely and bringing these scientists to the United States as prisoners of war under the full control of the Army or Navy, which would retain the authority to return them to Germany in the event they did not produce. It is believed under this system the production rate would be sufficiently high to justify concessions to them at a later date. Therefore, why give them everything before they deliver anything?

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